

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES H. REYNOLDS

Appeal No. 2005-1839
Application No. 09/471,101

ON BRIEF



Before HAIRSTON, JERRY SMITH and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37.

The disclosed invention relates to a controllable power supply.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A controllable power supply comprising:
 - a mounting having at least one distinguishable surface;
 - a first network socket located on said distinguishable surface; wherein said first network socket is able to receive a standard network cable connector and able to receive a control signal transmitted on one wire of a network cable also carrying network data communication signals on one or more separate data wires;
 - a controlled power output socket;
 - control circuitry operatively connected with said first network socket and said controlled power output socket wherein power to said controlled power output socket can be turned off in response to a signal received on a control signal pin connection of said first network socket; and
 - a power input connection for connecting to an external power source.

The references relied on by the examiner are:

Lord	5,198,806	Mar. 30, 1993
Cheng et al. (Cheng)	5,644,174	Jul. 1, 1997
Pulizzi et al. (Pulizzi)	5,923,103	Jul. 13, 1999

EEM96 catalog, pp. D2260-61, D2326-29, D2340-43 (Hearst Bus. Publ'g, 1995).

Claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 through 21 of copending Application No. 09/309,321.

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Claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheng or Pulizzi in view of the EEM96 catalog and Lord.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the provisional obviousness-type double patenting rejection and the obviousness rejection of claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37.

Turning first to the provisional obviousness-type double patenting rejection, we find that the appellant has not responded to the rejection. Thus, the provisional obviousness-type double patenting rejection is sustained pro forma.

Turning to the obviousness rejection, we find that claim 1 would have been obvious to the skilled artisan based upon the teachings of either Pulizzi or Lord considered alone, that claim 13 would have been obvious to the skilled artisan based upon the teachings of either Cheng, Pulizzi or Lord considered alone, and that claim 22 would have been obvious to the skilled artisan

based upon the teachings of either Cheng or Pulizzi considered alone. In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone without designating it as a new ground of rejection. In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444 n.2 (CCPA 1966). With respect to claims 1 and 22, Pulizzi discloses a controllable power supply that comprises a mounting having at least one distinguishable surface in a stacked controller arrangement (Figure 5), a first network socket (i.e., RS232 in/out communications circuit 22) located on the distinguishable surface. Appellant's argument (brief, page 10) to the contrary notwithstanding, Pulizzi describes the RS232 circuit as a "network" connection (column 7, lines 60 through 65; column 9, lines 9 through 14). As indicated infra, an RS232 socket is a multi-pin socket (i.e., 25 pins) that is able to receive a control signal transmitted on one wire of a network cable attached to one or more of the 25 pins, and is also capable of carrying network data communications signals on one or more data wires attached to one of the other 25 pins. Pulizzi has a plurality of controlled power output sockets 40 through 54, and control circuitry (i.e., microcontroller 18, relay driver 24 and

relays 60 through 74) is operatively connected to the network socket and the controlled power output sockets wherein power to any of the controlled output sockets can be turned on/off in response to a signal received on a control signal pin connection of the network socket. The power conduit 14 is a power input for connecting the power supply to an external power source.

With respect to claim 13, Pulizzi shows a stacked controller arrangement (Figure 5) wherein control circuitry discussed supra is contained within a housing, and the network sockets and controlled power supply outlets are on the surface of the housing.

Based upon the foregoing, the obviousness rejection of claims 1, 13 and 22 is sustained based upon the teachings of Pulizzi.

Turning to Cheng, claim 1 calls for "a" network cable that carries both control signals and data signals on separate wires. Cheng does not have "a" network cable for the two different signals. Instead of a single cable, Cheng provides a first cable 155 for control signals, and a second cable 212 for data signals (Figure 2A; column 7, lines 1 through 19). Although claim 1 is directed to a single cable, claims 13 and 22 are not limited to a single cable. Cheng discloses a rack/cabinet mounted AC

sequencer 200 (Figures 2A and 3; column 4, lines 56 through 60) that has network sockets 202, 204, 206, 208 and 210 and controlled power supply outlets 130 and 140 on surfaces of the AC sequencer cabinet housing 200. The control circuitry within the cabinet housing includes control circuitry 250 and relays RLY1 and RLY2 for turning power on/off to the controlled power supply outlets 130 and 140 in response to control signals on cable 155 to control input socket 204 (Figure 3). As indicated supra, the data signals are not carried on the control signal cable. Thus, the obviousness rejection of claims 13 and 22 is sustained based upon the teachings of Cheng.

Turning lastly to Lord, a pair of network sockets 65 and 100 are located on a side of a housing (Figure 2), and at least one controlled power output socket 15 is located on another side of the housing. The network socket 100 is a 25 pin RS-232-C socket that has separate pins for control signals and data signals (column 7, lines 9 through 22). Appellant's argument (brief, pages 4 through 8; reply brief, pages 4 through 8) that Lord does not disclose a network socket/cable is without merit in view of the disclosure of two computers 25 and 30 controlling each other over the telephone network (Figure 1), and Lord's disclosure of the term "network" (column 2, lines 59 through 66). The control

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circuitry (i.e., relay 220) is operatively connected with the network socket 100 and the controlled power output socket 15, and the controlled power output socket 15 can be turned on/off in response to a signal received on a control signal pin connection of the network socket 100. Nothing in the claims on appeal precludes the presence of modem 40 in the telephone network (reply brief, page 8). The power input connection to an external power source is provided by power cord 95. In summary, the obviousness rejection of claims 1 and 13 is sustained based upon the teachings of Lord.

The obviousness rejection of claims 2, 3, 5 through 9, 14, 16, 17, 21, 23 through 31 and 33 through 37 is sustained because appellant has not presented any patentability arguments for these claims.

DECISION

The decision of the examiner provisionally rejecting claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37 under the judicially created doctrine of obviousness-type double patenting is affirmed, and the decision of the examiner rejecting claims 1 through 3, 5 through 9, 13, 14, 16, 17, 21 through 31 and 33 through 37 under 35 U.S.C. § 103(a) is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136 (a) (1) (iv).

AFFIRMED

KENNETH W. HAIRSTON
Administrative Patent Judge

JERRY SMITH
~~Administrative Patent Judge~~

LANCE LEONARD BARRY
Administrative Patent Judge

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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
ALAMEDA, CA 94501